

for animal disease control, *i.e.*, the region's emergency response capacity. This information would have provided the basis for our previous recognition of the disease-free status of the region. Our obligations under international trade agreements compel us to take only actions necessary to prevent the introduction of disease; therefore, unless we determine that this information is no longer reliable, it provides a rational basis for our determination that a region can effectively control an outbreak within a smaller region. In these cases, we will provide information to the public as soon as possible regarding the basis for our decision to prohibit or restrict imports from the smaller area of a region previously recognized as free.

Following publication of an interim rule, we will reassess the disease status of the region in the context of the standards of the Office International des Epizooties (OIE) to determine whether it is necessary to continue the interim prohibitions or restrictions. As part of the reassessment process, we will consider all public comments we receive on the interim rule, as well as any additional information relevant to a decision to change the disease status of the region, including information collected by or submitted to us. Prior to taking any action to relieve or finalize prohibitions or restrictions imposed by the interim rule, we will make information regarding our reassessment of the region's disease status available to the public for comment. We will announce the availability of this information by publishing a notice in the **Federal Register**. Based on the reassessment, including the comments we receive in response to the notice we publish, we will publish one of the following:

- A final rule that reinstates the disease-free status of the region, or a portion of the region covered by the interim rule;
- An affirmation of the interim rule that imposed prohibitions or restrictions on imports of animals and animal products from that region;
- Another document in the **Federal Register** for comment, if neither a final rule or interim rule is considered appropriate at that time (*e.g.*, we could publish a notice providing additional information for comment).

The initial interim rule is intended solely to serve as a temporary measure to provide the United States immediate protection from the introduction of foreign animal diseases. Also, the interim rule gives us an opportunity to evaluate the effectiveness of the region's emergency response measures and to

determine whether the outbreak is indeed a temporary situation or indicates a fundamental change in the region's disease status. If a region takes immediate and effective steps to control and stamp out the disease, we believe the region's disease-free status should be restored as quickly as possible once the region has met OIE requirements.

Previously, the procedures we followed to restore the disease-free status of a region were lengthier. We typically did not receive adverse comments regarding the interim rule that revoked a region's status, so following the close of the comment period, we would publish an affirmation of the interim rule. Then, in order to restore the region's previous disease-free status, we would begin a new rulemaking with the publication of a proposed rule. After considering any comments we received during the comment period for the proposed rule, we would publish a final rule.

We believe that we can improve the regulatory process for restoring a region's disease free status by using the procedures described above, while still providing opportunity for public participation. For example, we removed France, Northern Ireland, the Netherlands, and Ireland from the list of regions considered to be free of rinderpest and foot-and-mouth disease (FMD) in two interim rules published in the **Federal Register** on March 14, 2001 (66 FR 14825–14826, Docket No. 01–018–1), and June 1, 2001 (66 FR 29686–29689, Docket No. 01–031–1). In those interim rules we stated that we intended to reassess the disease situations in these countries at a future date in accordance with OIE standards, and that as part of that reassessment process, we would consider all comments received regarding the interim rules.

Additionally, we stated that the future reassessments would enable us to determine whether it was necessary to continue to prohibit or restrict the importation of specific regulated articles, or whether we could restore the disease-free status of some or all of those regions, or part of those regions. We subsequently reassessed the disease status of those regions, taking into consideration information provided to us by those regions, and our own site visits. We restored the disease-free status of France, Ireland, the Netherlands, and Northern Ireland in two final rules published in the **Federal Register** on November 5, 2001 (66 FR 55872–55876, Docket No. 01–031–2), and January 9, 2002 (67 FR 1072–1074, Docket No. 01–031–3). Our findings, including site visit reports, were made

available to the public at the time the final rules were published.

Based on comments we received regarding those rulemakings, we decided in the future to make our findings available to the public for comment prior to taking any final action. Recently, following our reassessment of the FMD-status of Great Britain, we published a notice of availability of our findings in the **Federal Register** for comment (67 FR 54164, Docket 01–018–3, published August 21, 2002). Following the close of the comment period on that notice, and after considering the information provided by commenters, we published a final rule to restore the FMD-free status of Great Britain on December 17, 2002 (67 FR 77148–77152, Docket 01–018–4).

This proposed rule would codify in the regulations the procedures that we will follow to reassess the animal health status of regions that we recognize as free of disease, and that experience an outbreak of that disease. It would establish a transparent and more effective process for restoring the disease-free status of a region, or portion of that region, while acting to protect against the introduction of foreign animal diseases into the United States. It would also improve our current procedures by making information regarding our reassessment available for comment before taking final action.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

Below is a summary of the economic analysis for this proposal. The economic analysis provides a cost-benefit analysis as required by Executive Order 12866 and an analysis of the potential economic effects on small entities as required by the Regulatory Flexibility Act. A copy of the full economic analysis is available for review at the location listed in the **ADDRESSES** section at the beginning of this document or may be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

We are proposing to establish procedures that we will follow when a region that we recognize as free of a disease experiences an outbreak of that disease. The procedures include steps we would take to prevent the introduction of disease from that region and steps we would take to further